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By Certified Mail, Return Receipt Requested

Robbert Dijkgraaf
Director
Institute for Advanced Study – Louis Bamberger
and Mrs. Felix Fuld Foundation
Einstein Drive
Princeton, NJ 08540

logged by KRB

Donald E. Fetzer
President
Van Note – Harvey Associates, PC
103 College Road East
Princeton, NJ 08540

Louis Pillari
President
Pillari Bros. Construction Corp.
65 Squankum Yellowbrook Road
Farmingdale, NJ 07727

Re: Notice of Clean Water Act violations

Dear Messrs. Dijkgraaf, Fetzer and Pillari:

Pursuant to 33 U.S.C. §1365(b)(1)(A), this letter gives notice on behalf of the Princeton Battlefield Area Preservation Society, Inc. (P.O. Box 7645, Princeton, NJ 08543; 609-947-6574) ("the Society") of the Society's intent to bring suit against the Institute for Advanced Study – Louis Bamberger and Mrs. Felix Fuld Foundation ("the Institute"), Van Note-Harvey Associates, PC ("Van Note") and Pillari Bros. Construction Corp. ("Pillari") for unpermitted discharges into wetlands that are navigable waters in violation of the Federal Water Pollution Control Act, 33 U.S.C. §§1251 et seq. ("the Act"), as described below.

Violations of the Act

Attached as Appendix A, and incorporated by reference is a map prepared for the Institute by Van Note, dated August 20, 2010, designated thereon as "Sheet No. CR-15" and signed by Thomas E. O'Shea. The map shows proposed construction on a parcel of land, owned by the Institute, consisting of Block 10401, Lot 1, and a portion of Block 10501, Lot 1.01, Township of Princeton, Mercer County, New Jersey. The wetlands at

issue have been superimposed on this map and are designated therein as Wetland # 1 and Wetland # 4.

Discharges into Wetland # 1

The discharges into Wetland # 1 consists of dirt from the construction site, and was deposited into Wetland # 1 on December 13, 2015 and each day since then by construction equipment used on the site. This equipment includes (1) a Komatsu bulldozer, designated thereon as "D65 PX"; (2) a steamroller designated thereon as "Pillari Bros. Construction Corp 14271"; (3) a Komatsu backhoe designated thereon as "PC490LC"; and (4) a Caterpillar dump truck, designated thereon as "#735" (on bed) and "RT-0046" (on hood).

These discharges by the Institute, Van Note and Pillari into Wetland # 1 are violations of an effluent standard or limitation under the Act because they are unpermitted discharges to navigable waters in violation of 33 U.S.C. §1311(a). Wetland # 1 is a navigable water because it directly abuts a non-navigable tributary of traditional navigable waters, or is adjacent to such a tributary and has a significant nexus to that tributary.

Discharges into Wetland # 4.

The discharges into Wetland # 4 consist of dirt from the construction site and white sand fill, and was deposited into that portion of Wetland # 4 lying inside the site fenceline on December 13, 2015 and each day since December 13, 2015. The fill was deposited by construction equipment used on the site, including (1) a Komatsu bulldozer, designated thereon as "D65 PX"; (2) a steamroller designated thereon as "Pillari Bros. Construction Corp 14271"; (3) a Komatsu backhoe designated thereon as "PC490LC"; and (4) a Caterpillar dump truck, designated thereon as "#735" (on bed) and "RT-0046" (on hood).

These discharges by the Institute, Van Note and Pillari into Wetland # 4 on December 13, 2015 and for each day since December 13, 2015, are violations of an effluent standard or limitation under the Act because they are unpermitted discharges to navigable waters in violation of 33 U.S.C. § 1311(a). Wetland # 4 is a navigable water because it directly abuts a non-navigable tributary of traditional navigable waters, or is adjacent to such a tributary and has a significant nexus to that tributary.

Civil suit

After the expiration of the 60-day notice period, the Society will file a citizen suit pursuant to 33 U.S.C. §1365(a)(1) against the Institute, Van Note and Pillari for these violations and any other violation committed at this site after the date of this notice, including any violation committed after the suit is filed.

Pursuant to 33 U.S.C. §1365(a), the suit will seek injunctive relief requiring the removal of all fill material and restoration of the wetlands, and penalties in the amount of \$37,500 for each violation at each of Wetland # 1, Wetland # 4, and any other site where unpermitted discharges into navigable waters have occurred. The discharges into Wetland #1, Wetland #4, or any other navigable water on the site are "continuing violations" under the Act, and thus each day since those discharges began is a separate violation of the Act. The Society notes that since the Institute appears to have obtained Letters of Interpretation concerning the site from the New Jersey Department of Environmental Protection by withholding information and/or providing misleading information, the court would be justified in assessing the full penalty amount for each day of each violation. Pursuant to 33 U.S.C. §1365(d), the suit will also seek attorneys' fees and litigation costs.

The undersigned will be acting as counsel for the Society. If you are interested in discussing settlement of this matter, please contact me at the address given above, by or by phone (301-751-0611) or email (david.bookbinder@verizon.net).

Sincerely,



David Bookbinder

Cc:

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and Mrs. Felix Fuld Foundation
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Louis J. Pillari
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¹ With an additional copy to this addressee at 290 Broadway, New York, NY 10007-1866.